

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

TOBY O. HERNANDEZ
ADC #162497

PLAINTIFF

v.

Case No. 5:19-cv-00136-KGB-JTR

DOE, Cummins Unit, ADC, et al.

DEFENDANTS

ORDER

The Court has reviewed the Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray (Dkt. No. 12). No objections have been filed, and the time to file objections has passed. After careful consideration, the Court concludes that the Recommended Disposition should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects (*Id.*). The Court therefore dismisses without prejudice Mr. Hernandez's complaint and two amended complaints (Dkt. Nos. 1, 4, 10). Consequently, the Court denies as moot plaintiff Toby O. Hernandez's motion for status (Dkt. No. 14). The Court notes that the dismissal of this case will be counted as a "strike," pursuant to 28 U.S.C. § 1915(g). Finally, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

It is so ordered this 22nd day of October, 2019.



Kristine G. Baker
United States District Judge